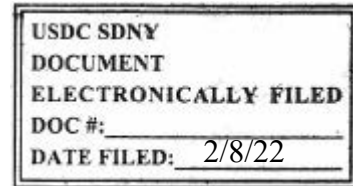


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February 7, 2022



VIA ECF

Honorable Alison J. Nathan, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Western Waterproofing Company, Inc. d/b/a Western Specialty
Contractors v. Zurich American Insurance Company, et. al.*
Civil Action No.: 1:20-cv-3199 (AJN) (Related Case: 1:19-cv-6386)

Dear Judge Nathan:

This firm represents Intervenor Starr Indemnity & Liability Company (“Starr”). On behalf of Starr and all parties to this action, we respectfully submit this joint letter to update the Court as to the status of the parties’ discussions as to Starr’s proposal for the resolution of certain claims in this action [Dkt. 202] and to respectfully request a conference with Your Honor to address these issues.¹

Since the issuance of Your Honor’s January 10, 2022 Order [Dkt. 203], the parties have participated in four meet and confer sessions to address Starr’s proposal. Starr’s counsel drafted two interrelated stipulations that, taken together, are intended to implement the proposal. These stipulations were circulated among the parties and, thereafter, revised to address comments and concerns shared by certain parties during the meet and confers. We understand that two parties are likely to provide additional proposed revisions shortly, which will of course require further consideration and discussion. A fifth meet and confer session among counsel is scheduled for February 8 (and, if needed, additional sessions will be scheduled thereafter).

The parties are planning to continue to discuss Starr’s proposal and the proposed stipulations. However, the parties still need to work through certain issues before an agreement can be achieved. The parties believe that it may be beneficial to conference this matter with Your Honor in approximately two to three weeks in order to assist the parties in resolving any remaining issues. By that time, any issues that the parties are unable to resolve on their own would be apparent and the parties believe that Your Honor’s involvement could be instrumental

¹ Your Honor’s January 10, 2022 Order [Dkt. 203] required the parties to submit a joint letter on or before January 24, 2022. This deadline was subsequently extended to February 7, 2022. [Dkt. 207].

Gimigliano Mauriello & Maloney, P.A.

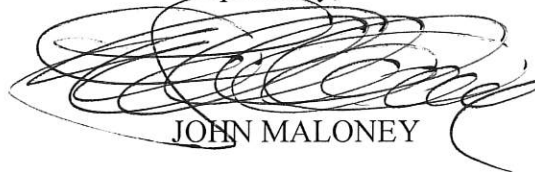
Honorable Alison J. Nathan, U.S.D.J.
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in overcoming any such impediments to resolution. Of course, if the parties are able to work through all remaining issues on their own in the interim, the parties will so advise the Court and suggest that a conference is no longer necessary.

As set forth in Starr's prior letter [Dkt. 202], Starr's proposal relates to Gotham and ZDG's counterclaims and cross-claims in this action, which were not addressed in the Court's recent decision on the summary judgment motions.

Accordingly, all parties respectfully request a conference with Your Honor to address the Starr proposal and assist the parties in getting it over the finish line. We thank Your Honor for the time and courtesies extended in this matter.

Respectfully,



JOHN MALONEY

cc: All Counsel of Record (by ECF)

If the parties continue to seek a conference with the Court, they shall, by February 18, 2022, jointly file a letter that identifies the remaining issues that the parties wish to discuss at a conference and that outlines the parties' positions with respect to those outstanding issues. The Court will then schedule a conference as appropriate.

SO ORDERED.

2/8/22

